

SECURING AIRCRAFT COCKPITS AGAINST LASERS ACT OF 2007

MAY 14, 2007.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. CONYERS, from the Committee on the Judiciary,
submitted the following

R E P O R T

[To accompany H.R. 1615]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 1615) to amend title 18, United States Code, to provide penalties for aiming laser pointers at airplanes, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

CONTENTS

	Page
The Amendment	1
Purpose and Summary	2
Background and Need for the Legislation	2
Hearings	3
Committee Consideration	3
Committee Votes	3
Committee Oversight Findings	4
New Budget Authority and Tax Expenditures	4
Congressional Budget Office Cost Estimate	4
Performance Goals and Objectives	5
Constitutional Authority Statement	5
Advisory on Earmarks	5
Section-by-Section Analysis	5
Changes in Existing Law Made by the Bill, as Reported	6

THE AMENDMENT

The amendment is as follows:
Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Securing Aircraft Cockpits Against Lasers Act of 2007”.

SEC. 2. PROHIBITION AGAINST AIMING A LASER POINTER AT AN AIRCRAFT.

(a) OFFENSE.—Chapter 2 of title 18, United States Code, is amended by adding at the end the following:

“§ 39A. Aiming a laser pointer at an aircraft

“(a) Whoever knowingly aims the beam of a laser pointer at an aircraft in the special aircraft jurisdiction of the United States, or at the flight path of such an aircraft, shall be fined under this title or imprisoned not more than 5 years, or both.

“(b) As used in this section, the term ‘laser pointer’ means any device designed or used to amplify electromagnetic radiation by stimulated emission that emits a beam designed to be used by the operator as a pointer or highlighter to indicate, mark, or identify a specific position, place, item, or object.

“(c) This section does not prohibit aiming a beam of a laser pointer at an aircraft, or the flight path of such an aircraft, by—

“(1) an authorized individual in the conduct of research and development or flight test operations conducted by an aircraft manufacturer, the Federal Aviation Administration, or any other person authorized by the Federal Aviation Administration to conduct such research and development or flight test operations;

“(2) members or elements of the Department of Defense or Department of Homeland Security acting in an official capacity for the purpose of research, development, operations, testing or training; or

“(3) by an individual using a laser emergency signaling device to send an emergency distress signal.

“(d) The Attorney General, in consultation with the Secretary of Transportation, may provide by regulation, after public notice and comment, such additional exceptions to this section, as may be necessary and appropriate. The Attorney General shall provide written notification of any proposed regulations under this section to the Committees on the Judiciary of the House and Senate, the Committee on Transportation and Infrastructure in the House, and the Committee on Commerce, Science and Transportation in the Senate not less than 90 days before such regulations become final.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 2 of title 18, United States Code, is amended by adding at the end the following new item:

“39A. Aiming a laser pointer at an aircraft.”.

PURPOSE AND SUMMARY

H.R. 1615, the “Securing Aircraft Cockpits Against Lasers Act of 2007,” amends title 18 of the United States Code to provide for the imposition of criminal penalties for any individual who knowingly aims a laser pointer at an aircraft within the special aircraft jurisdiction of the United States, or at its flight path—a practice that, particularly at the critical stages of take-off and landing, creates a serious threat to public safety and aviation security. The penalties include fines and imprisonment of up to 5 years.

BACKGROUND AND NEED FOR THE LEGISLATION

Lasers, when aimed at an aircraft, can pose a serious public safety hazard and threat to aviation security. The focused beams of a laser light are powerful, even at extended distances. Brief exposure, sometimes for just a fraction of a second, to a laser beam can cause discomfort and temporary visual impairments such as glare, flashblinding, and afterimages.¹ These visual distractions can in-

¹Van B. Nakagawara and Ronald W. Montgomery, *Laser Pointers: Their Potential Effects on Vision and Aviation Safety*, Federal Aviation Administration, Office of Aerospace (Apr. 2001); see also Bart Elias, *Congressional Research Service Report RS22033, Lasers Aimed at Aircraft Cockpits: Background and Possible Options to Address the Threat to Aviation Safety and Security* (Dec. 21, 2005).

duce spatial disorientation or loss of situational awareness in a pilot. The National Transportation Safety Board, for example, documented two instances in which pilots sustained eye injuries and were incapacitated during critical phases of a flight.²

According to the Federal Aviation Administration, there have been more than 400 incidents in which pilots have been startled, distracted, temporarily blinded, or disoriented by laser exposure since 1990.³ In January 2005, responding to concerns regarding this escalating problem, the FAA issued an advisory to pilots instructing them to immediately report laser beams directed at their aircraft.⁴ The recent rash of incidents involving lasers aimed at aircraft cockpits is compounded by the concern that the low cost of handheld laser devices could lead to even more incidents in the future.

H.R. 1615, the “Securing Aircraft Cockpits Against Lasers Act of 2007,” responds to this serious problem by amending title 18 of the United States Code to provide for the imposition of criminal penalties on a individual who knowingly aims the beam of a laser pointer⁵ at an aircraft within the special aircraft jurisdiction of the United States or at the flight path of such an aircraft. These penalties include fines and imprisonment of up to 5 years.

The imposition of criminal penalties to punish and deter this dangerous behavior is only a partial solution. Steps such as educating the public regarding the risks of lasers to aviation security, and product warning labels, for example, could also play a significant role in addressing this problem.

HEARINGS

The Committee’s Subcommittee on Crime, Terrorism, and Homeland Security held 1 day of hearings on H.R. 1615 on May 1, 2007. Testimony was received from Representative Ric Keller (R-FL), the bill’s principal sponsor.

COMMITTEE CONSIDERATION

On May 2, 2007, the Committee met in open session and ordered the bill, H.R. 1615, favorably reported with an amendment, by voice vote, a quorum being present.

COMMITTEE VOTES

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, the Committee advises that there were no recorded votes during the Committee’s consideration of H.R. 1615.

²National Transportation Safety Board, Safety Recommendation Letter-Safety Recommendations A-97-13 through 15.

³ Press Release, U.S. Dep’t of Transportation, U.S. Secretary of Transportation Norman Y. Mineta Announces New Laser Warning and Reporting System for Pilots, Measures to Safeguard Pilots and Passengers, Support Timely Enforcement (Jan. 12, 2005), at <http://www.dot.gov/affairs/dot0805.htm>.

⁴U.S. Dep’t of Transportation—Federal Aviation Administration, Advisory Circular 70–2, Reporting of Laser Illumination of Aircraft (Jan. 11, 2005).

⁵H.R. 1615 defines “laser pointer” as any device designed or used to amplify electromagnetic radiation by stimulated emission that emits a beam designed to be used by the operator as a pointer or highlighter to indicate, mark, or identify a specific position, place, item, or object.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill, H.R. 1615, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 7, 2007.

Hon. JOHN CONYERS, Jr., *Chairman,*
Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1615, the Securing Aircraft Cockpits Against Lasers Act of 2007.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Grabowicz, who can be reached at 226-2860.

Sincerely,

PETER R. ORSZAG,
DIRECTOR.

Enclosure

cc: Honorable Lamar S. Smith.
Ranking Member

H.R. 1615—Securing Aircraft Cockpits Against Lasers Act of 2007.

CBO estimates that implementing H.R. 1615 would have no significant cost to the federal government. Enacting the bill could affect direct spending and revenues, but CBO estimates that any such effects would not be significant.

H.R. 1615 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of State, local, or tribal governments.

H.R. 1615 would establish a new Federal crime for aiming the beam of a laser pointer at an aircraft or at the aircraft's flight path. Because the bill would establish a new offense, the government would be able to pursue cases that it otherwise would not be able to prosecute. We expect that H.R. 1615 would apply to a relatively small number of offenders, however, so any increase in costs

for law enforcement, court proceedings, or prison operations would not be significant. Any such costs would be subject to the availability of appropriated funds.

Because those prosecuted and convicted under H.R. 1615 could be subject to criminal fines, the Federal Government might collect additional fines if the legislation is enacted. Criminal fines are recorded as revenues, then deposited in the Crime Victims Fund and later spent. CBO expects that any additional revenues and direct spending would not be significant because of the small number of cases likely to be affected.

The CBO staff contact for this estimate is Mark Grabowicz, who can be reached at 226–2860. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

PERFORMANCE GOALS AND OBJECTIVES

The Committee states that pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, H.R. 1615, as amended, is intended to punish and deter the practice of knowingly aiming laser beams at aircraft.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds the authority for this legislation in article 1, section 8, clause 3 of the Constitution.

ADVISORY ON EARMARKS

In accordance with clause 9 of rule XXI of the Rules of the House of Representatives, H.R. 1615 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

SECTION-BY-SECTION ANALYSIS

The following discussion describes the bill as reported by the Committee.

Sec. 1. Short title. Section 1 sets forth the short title of the bill as “Securing Aircraft Cockpits Against Lasers Act of 2007.”

Sec. 2. Prohibition Against Aiming A Laser Pointer At An Aircraft. Section 2 makes it a crime to knowingly aim the beam of a laser pointer at an aircraft in the special aircraft jurisdiction of the United States or at the flight path of such aircraft. An individual convicted of this crime is subject to criminal fines or imprisonment up to 5 years. This provision does not apply to: (1) individuals conducting research and development or flight test operations for an aircraft manufacturer or the Federal Aviation Administration; (2) Department of Defense or Department of Homeland Security personnel conducting research, development, operations, testing or training; or (3) an individual using a laser emergency signaling device to send a distress signal.

Section 2 authorizes the Attorney General, in consultation with the Secretary of Transportation, to provide by regulation, after public notice and comment, additional exceptions to this provision as necessary and appropriate. The Attorney General must give written notice of any such proposed regulations to the House and

Senate Committees on the Judiciary as well as other specified committees.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italics and existing law in which no change is proposed is shown in roman):

TITLE 18, UNITED STATES CODE

* * * * *

PART I—CRIMES

* * * * *

CHAPTER 2—AIRCRAFT AND MOTOR VEHICLES

Sec.

31. Definitions.

* * * * *

39A. *Aiming a laser pointer at an aircraft.*

* * * * *

§ 39A. *Aiming a laser pointer at an aircraft*

(a) *Whoever knowingly aims the beam of a laser pointer at an aircraft in the special aircraft jurisdiction of the United States, or at the flight path of such an aircraft, shall be fined under this title or imprisoned not more than 5 years, or both.*

(b) *As used in this section, the term “laser pointer” means any device designed or used to amplify electromagnetic radiation by stimulated emission that emits a beam designed to be used by the operator as a pointer or highlighter to indicate, mark, or identify a specific position, place, item, or object.*

(c) *This section does not prohibit aiming a beam of a laser pointer at an aircraft, or the flight path of such an aircraft, by—*

(1) an authorized individual in the conduct of research and development or flight test operations conducted by an aircraft manufacturer, the Federal Aviation Administration, or any other person authorized by the Federal Aviation Administration to conduct such research and development or flight test operations;

(2) members or elements of the Department of Defense or Department of Homeland Security acting in an official capacity for the purpose of research, development, operations, testing or training; or

(3) by an individual using a laser emergency signaling device to send an emergency distress signal.

(d) The Attorney General, in consultation with the Secretary of Transportation, may provide by regulation, after public notice and comment, such additional exceptions to this section, as may be nec-

essary and appropriate. The Attorney General shall provide written notification of any proposed regulations under this section to the Committees on the Judiciary of the House and Senate, the Committee on Transportation and Infrastructure in the House, and the Committee on Commerce, Science and Transportation in the Senate not less than 90 days before such regulations become final.

* * * * *

